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ATTORNEY DOCKET NO. FIRST NAMED INVENTOR CONFIRMATION NO. APPLICATION NO. FILING DATE 09/771,064 01/26/2001 Richard A. Craig E-1825 CIP 2684 **EXAMINER**

WOODARD EMHARDT MORIARTY MCNETT & HENRY LLP ATTN: JOHN M. BRADSHAW 111 MONUMENT CIRCLE, SUITE 3700 INDIANAPOLIS, IN 46204

12/01/2003

ART UNIT PAPER NUMBER

PALABRICA, RICARDO J

3641

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Application/Control Number: 09/771,064

Art Unit: 3641



1. Applicant's amendment with Request for Continued Examination (RCE) filed on 10/24/03 is not fully responsive to the 7/18/03 Office Action (MPEP 821.03 and 37 CFR 1.142(b)) because the amended claims are directed to a non-elected invention, i.e., process for detecting hydrogenous materials.

Note that in Paper No. 5, applicant elected the claims directed to an <u>apparatus</u> for prosecution on the merits, in response to Office Action dated 8/27/02. Said elected invention by original presentation was examined in the 7/18/03 Office Action.

If the applicant desires an examination of this non-elected invention, he may file a Divisional Application, instead of an RCE.

Since the above-mentioned reply appears to be *bona fide*, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick Palabrica whose telephone number is 703-306-5756. The examiner can normally be reached on 7:00-4:30, Mon-Fri; 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

RJP November 25, 2003

> MICHAEL I. CARCNE SUPERVISORY PATENT EXAMINER